

RESOLUTION NO. 2007-230

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING SUPPLEMENTAL AGREEMENT TO
THE PIXLEY PARK PROPERTY EXCHANGE
AGREEMENT

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WHEREAS, the City of Lodi and the developer, G-REM, Inc., entered into a land exchange agreement in December 2004 to reconfigure the existing lot lines of Pixley Park C-Basin to allow development of the park site per the approved Pixley Park Conceptual Plan. As part of the land exchange agreement, the developer agreed to construct all required frontage improvements fronting the proposed park site, excavate the basin to conform to the final grading of the future park layout, and to provide design services for the future storm drain pump station; and

WHEREAS, the developer has entered into an improvement agreement and an addendum to the improvement agreement to cover the storm drainage facility improvements and grading of the basin, with the work to have been completed by October 31, 2007; and

WHEREAS, the developer is requesting to extend the completion date of the improvement agreement and the original land exchange agreement to allow extra time to complete all the required improvements and grading of the park site; and

WHEREAS, in the supplemental agreement, the developer agrees to, at the developer's expense, design and install slope protection on the east, north, and west slopes of the excavated basin. The City agrees to remove the developer's responsibility to provide design services for the future storm drain pump station and park landscaping and irrigation system, which is to be reimbursed by the City as stated in the original land exchange agreement. The City also agrees to extend the completion date of improvement acceptance and land exchange to December 31, 2009; and

WHEREAS, the developer has executed the supplemental agreement and paid the document preparation fees, and staff recommends that the City Council approve the **supplemental agreement providing a time extension for the Pixley Park Land Exchange Agreement** and the Improvement Agreement for the Public Improvements of Pixley Park Site Grading.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the Supplemental Agreement to the Pixley Park Property Exchange Agreement; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager and City Clerk to execute the agreement on behalf of the City.

Dated: November 21, 2007

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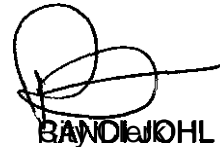
I hereby certify that Resolution No. 2007-230 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November **21**, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Katzakian, Mounce, and
Mayor Johnson

NOES: COUNCIL MEMBERS – Hitchcock

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



BANDI JOHL